



# PUBLIC NOTICE

Federal Communications Commission  
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DA 11-1837  
Released: November 1, 2011

## DOMESTIC SECTION 214 APPLICATION FILED FOR THE ACQUISITION OF ASSETS OF U.S. TELESTAR COMMUNICATIONS GROUP, INC. BY UTILITY TELEPHONE, INC.

### STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 11-163

Comments Due: November 15, 2011  
Reply Comments Due: November 22, 2011

MAILED  
NOV 4 - 2011  
FCC Mail Room

On September 29, 2011, U.S. Telestar Communications Group, Inc. (Telestar) and Utility Telephone, Inc. (UTI) (together, Applicants), filed an application pursuant to section 63.03 of the Commission's rules<sup>1</sup> for the acquisition of Telestar's telecommunications customer base and related assets by UTI.

Telestar, a California corporation, provides resold domestic interexchange telecommunications services to a small number of commercial customers in California. The following individuals, all U.S. citizens, directly hold 10% or greater ownership or control interests in Telestar: Timothy Swift (33 percent); Gene W. Harris, Jr. (33 percent); and Edward Wiebe (33 percent).

UTI, also a California corporation, provides facilities-based local exchange, exchange access, and domestic interexchange telephone services in California and Nevada.<sup>2</sup> The following U.S. citizens and entities directly hold 10% or greater ownership or control interests in UTI: Jason Mills (54 percent), and the John K. and Dianne B. La Rue Revocable Trust (La Rue Trust) (46 percent). The La Rue Trust is owned and controlled jointly by John K. La Rue and Dianne B. La Rue, both U.S. citizens, who each hold a 46 percent indirect ownership interest in UTI. There are no other persons who directly or indirectly own, control, or can be attributed with ownership or control of a 10% or greater ownership or control interest in either Applicant.

Telestar and UTI have entered into an asset purchase agreement providing for the transfer of Telestar's customer base and associated assets to UTI in exchange for cash. Applicants assert that the proposed transaction is entitled to presumptive streamlined treatment under section 63.03(b)(2)(i) of the

<sup>1</sup> 47 C.F.R. § 63.03; see 47 U.S.C. § 214. On October 21, 2011, Applicants filed a supplement to the application. See Letter from John L. Clark, Counsel for Joint Applicants, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 11-163 (filed Oct. 21, 2011).

<sup>2</sup> UTI also holds an 80% interest in Call America, Inc., a non-dominant interexchange and competitive local exchange carrier serving small and medium-sized business customers in California.

Commission's rules, and that a grant of the application will serve the public interest, convenience, and necessity.<sup>3</sup>

Domestic Section 214 Application Filed for the Acquisition of Assets of U.S. Telestar Communications Group, Inc. by Utility Telephone, Inc., WC Docket No. 11-163 (filed Sept. 29, 2011).

### **GENERAL INFORMATION**

The transfer of assets identified herein has been found, upon initial review, to be acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Pursuant to section 63.03(a) of the Commission's rules, 47 CFR § 63.03(a), interested parties may file comments **on or before November 15, 2011**, and reply comments **on or before November 22, 2011**. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31<sup>st</sup> day after the date of this notice.<sup>4</sup> Comments should be filed using the Commission's Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.

**In addition, e-mail one copy of each pleading to each of the following:**

- 1) The Commission's duplicating contractor, Best Copy and Printing, Inc., [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com); phone: (202) 488-5300; fax: (202) 488-5563;
- 2) Tracey Wilson, Competition Policy Division, Wireline Competition Bureau, [tracey.wilson@fcc.gov](mailto:tracey.wilson@fcc.gov);
- 3) Alex Johns, Competition Policy Division, Wireline Competition Bureau, [alexis.johns@fcc.gov](mailto:alexis.johns@fcc.gov); and
- 4) Jim Bird, Office of General Counsel, [jim.bird@fcc.gov](mailto:jim.bird@fcc.gov).

Filings and comments are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; telephone: (202) 488-5300; fax: (202) 488-5563; e-mail: [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com); url: [www.bcpiweb.com](http://www.bcpiweb.com).

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For further information, please contact Tracey Wilson at (202) 418-1394 or Alex Johns at (202) 418-1167.

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<sup>3</sup> 47 C.F.R. § 63.03(b)(2)(i).

<sup>4</sup> Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.